

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

WILLIAM A. CARLSON,

Petitioner,

vs.

JOHN F. AULT,

Respondent.

No. C06-0006-LRR

ORDER

This matter is before the court pursuant to the petitioner's application for a writ of habeas corpus.

Although the court ordered the petitioner to file a brief and argument on the merits by no later than July 27, 2006, the petitioner failed to comply with the court's order. Despite the petitioner's failure to comply with the court's order, the respondent timely filed a brief and argument on the merits. Although he had until September 15, 2006 to file a reply, the petitioner never filed one. Given the record, it is clear that the petitioner completely disregarded the court's June 26, 2006 order. Moreover, the petitioner failed to contact the court in any way. Accordingly, the petitioner's action is dismissed for failing to prosecute and/or for failing to respond to a court order. *See Fed. R. Civ. P. 41(b); Edgington v. Missouri Dept. of Corrections*, 52 F.3d 777, 779-80 (8th Cir. 1995); *Aziz v. Wright*, 34 F.3d 587, 589 (8th Cir. 1994); *Omaha Indian Tribe v. Tract I - Blackbird Bend Area*, 933 F.2d 1462, 1468 (8th Cir. 1991); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986); cf. L.R. 41.1(b).

Alternatively, the court deems it appropriate to deny the petitioner's 28 U.S.C. § 2254 application for the reasons stated in the respondent's brief. The respondent's brief

adequately sets forth the law in the Eighth Circuit as applied to the facts in the petitioner's case. Moreover, the court thoroughly reviewed the record and concludes that the Iowa courts' adjudication of the petitioner's claims neither resulted in a decision contrary to, or involving an unreasonable application of, clearly established federal law nor resulted in a decision based on an unreasonable determination of the facts in light of the evidence presented. Accordingly, the petitioner's application for a writ of habeas corpus is denied. The Clerk of Court is directed to enter judgment in favor of the respondent. In addition, a certificate of appealability is denied. *See* 28 U.S.C. § 2253.

IT IS SO ORDERED.

DATED this 3rd day of October, 2006.



LINDA R. READE
JUDGE, U. S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA